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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JEFFREY HINTE,

Defendant.

Adv. Pro. No. 10-04450 (SMB)

STIPULATION AND ORDER SETTING BRIEFING SCHEDULE

WHEREAS, on November 30, 2010, Irving H. Picard, as trustee (the “Trustee”) for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and Bernard L. Madoff, filed a complaint in the above-captioned matter (the “Complaint”);

WHEREAS, on April 17, 2014, Defendant answered the Complaint and filed counterclaims against the Trustee (the “Answer and Counterclaims”);

WHEREAS, on July 28, 2014, the Trustee filed a motion to dismiss Defendant’s counterclaims and strike certain of the affirmative defenses raised in the Answer and Counterclaims pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012 (“Trustee’s Motion”);

WHEREAS, on August 27, 2014, the Parties entered into a stipulation setting a briefing schedule for Trustee’s Motion;

WHEREAS, a pretrial conference and a hearing on Trustee’s Motion are currently scheduled before this Court on November 19, 2014 at 10:00 a.m.;

WHEREAS, the Parties have agreed to a revised briefing schedule and adjournment of the pretrial conference and hearing on Trustee’s Motion;

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel herein, that,

1. The Trustee will file and serve his reply to Defendant’s opposition to the Trustee’s Motion no later than December 23, 2014.
2. The hearing on Trustee’s Motion scheduled before this Court for November 19, 2014, shall be adjourned to January 28, 2015 at 10:00 a.m.

3. The pretrial conference in this action scheduled before this Court for November 19, 2014, shall be adjourned to January 28, 2015 at 10:00 a.m.

4. The parties to this stipulation reserve all rights, claims and/or defenses they may have and entry into this stipulation shall not impair or otherwise affect any such rights, claims and/or defenses.

5. This stipulation may be executed in any number of counterparts and all such counterparts shall together constitute one and the same agreement.

Dated as of: October 28, 2014

BAKER & HOSTETLER LLP

MARTIN J. AUERBACH, ESQ.

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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

Dated: New York, New York
October 28th, 2014

SO ORDERED:

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE